

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAVERNE MCBRYDE O'NEAL,

Plaintiff,

-against-

TASK FORCE OFFICER DINOL POLICHETTI, et al.,

Defendants.

23-CV-10113 (JPC) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

On May 15, 2024, the Office of the United States Attorney for the Southern District of New York ("USAO") filed a document in which it disclosed the identity of five additional unnamed defendants in this matter ("New Federal Defendants"). (ECF 33.) My December 18, 2023 Valentin Order addressed to the USAO provided that Plaintiff would have 30 days from the date of being informed by the USAO of the identities of unnamed defendants to amend the operative complaint to name those defendants (ECF 6); Plaintiff's amendment to name the New Federal Defendants would therefore be due by June 14, 2024. However, on March 4, 2024, I issued a second Valentin Order directing the New York City Law Department ("Law Department") to identify any New York Police Department ("NYPD") officers involved in the incident underlying this case (ECF 20); the Law Department's response to that Order is not due until June 5, 2024 (ECF 31), and if the Law Department identifies any such NYPD officers, Plaintiff's amendment to the operative complaint to name them as defendants would not be due before **July 8, 2024**.

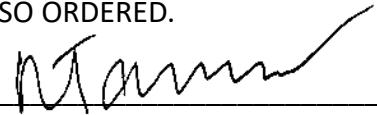
To avoid duplicative work and a proliferation of complaints, Plaintiff should not file a second amended complaint ("SAC") adding as defendants the New Federal Defendants until after the Law Department provides the names of any NYPD officers involved in the incident (or indicates that it has been unable to identify any such NYPD officers). Once the Law Department has provided the names of any NYPD officers involved in the incident or indicated that there were no such NYPD officers, Plaintiff shall file her SAC. Accordingly, Plaintiff has until **July 8,**

2024 to file her SAC, in which she shall name as defendants (1) the individuals currently named as defendants in the amended complaint, which is the operative complaint at this time; (2) the New Federal Defendants; and (3) any NYPD officers identified by the Law Department.

The SAC will be a replacement for and not an addition to the amended complaint and the original complaint. This means that any information in the amended complaint and the original complaint but not the SAC will not be considered part of the SAC. A complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed the SAC, the Court will screen it and, if necessary, issue an order directing the Clerk of Court to (i) complete the USM-285 forms with the addresses for all newly named defendants and (ii) deliver to the U.S. Marshals Service all documents necessary to effect service.

DATED: May 20, 2024
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY

United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

____ Civ. _____ (____)

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**SECOND AMENDED
COMPLAINT**

Jury Trial: ☐ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name _____
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

C. Facts: _____

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

[illegible]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff _____

Mailing Address _____

Telephone Number

Fax Number (if you have one) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number